

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the matter of the Arbitration between
LIGHTWAVE COMMUNICATIONS, LLC

Petitioner,

-against-

VERIZON SERVICES CORP.,
VERIZON MARYLAND INC.,
VERIZON VIRGINIA INC.,
VERIZON SOUTH INC.,
and VERIZON WASHINGTON D.C. INC.

Respondents.

AMENDED NOTICE OF MOTION TO
VACATE OR MODIFY
AN ARBITRATION AWARD

Civil Action No. 07cv6519

Judge Marrero

PLEASE TAKE NOTICE, that upon the annexed affidavit of **ANDREW M. KLEIN** and Memorandum of Law, together with the pleadings and prior proceedings had herein, Petitioners, LIGHTWAVE COMMUNICATIONS, LLC, by their attorneys, Klein Law Group PLLC, will move this Court at a motion term thereof to be held at the United States Courthouse for the Southern District of New York, United States District Court, 500 Pearl Street, New York, NY 10007-1312, on August 13, 2007 or another date to be determined by this Court, for an Order, pursuant to Title 9, United States Code, Section 9, Section 10 and Section 12 for partial confirmation and partial vacatur of the award of an arbitrator and for reasonable attorneys' fees, costs and expenses.

No prior request for this relief has been sought.

Dated: New York, New York
July 20, 2007

Respectfully submitted,

Segal McCambridge Singer & Mahoney, Ltd.

By: 

Theodore Eder (TE3556)
Robert J. Kenney (RJK6024)
Segal McCambridge Singer &
Mahoney, LTD.
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And

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Civil Action No.:

Motion Date: August 13, 2007

Oral Argument Requested

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Andrew M. Klein, being duly sworn, deposes and says:

1. I am the Principal of Klein Law Group, PLLC, attorneys for the Petitioner Lightwave Communications, LLC ("Lightwave"), and, as such, I am fully familiar with the facts and circumstances related to the above-captioned matter.

2. I respectfully submit this affidavit in support of the Petitioner's Motion for Partial Confirmation and Partial Vacatur of the Arbitration Award dated April 27, 2007, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1 *et seq.*

3. A true and correct list of the items awarded to Lightwave in the Arbitration Award dated April 27, 2007, is annexed to this Affidavit as Exhibit A.

4. A true and correct list of the items denied to Verizon in the Arbitration Award, and subsequently conceded by Verizon, is annexed to this Affidavit as Exhibit B.

5. A true and correct list of the items awarded to Verizon in the Arbitration Award is annexed to this Affidavit as Exhibit C.

6. A true and correct list of the Accountant's Review of the Arbitration Award and Lightwave/Verizon account balances is annexed to this Affidavit as Exhibit D.

7. True and correct copies of correspondence exchanged between Verizon and Lightwave, and their counsel, are annexed to this Affidavit as Exhibit E.

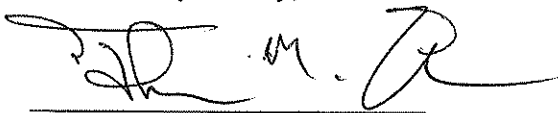
8. A true and correct copy of the Verizon Filing with the Maryland Public Service Commission, together with the Verizon Threat of Service Termination attached thereto, is annexed to this Affidavit as Exhibit F.

9. A true and correct copy of the Verizon Position Statement on the Late Fee issue in the Arbitration is annexed to this Affidavit as Exhibit G.

10. A true and correct copy of the Record of the Arbitration proceeding is filed together with this Affidavit.


Andrew M. Klein

Sworn to before me
this 17th day of July, 2007


Notary Public

THEODORE M. EDER
Notary Public, State of New York
No. 02ED6116486
Qualified in Bronx County
Commission Expires October 4, 2008

EXHIBITS A – H

FILED AS SEALED